IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE ZONING VARIANCE SW/S Van Dyke Rd., 175 ft. ZONING COMMISSIONER of c/l of Whitby Road * OF BALTIMORE COUNTY 5714 Van Dyke Road 14th Election District 6th Councilmanic District * Case No. 93-71-A Edward K. Hensler, et al Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1802.3.A and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. 6 inch side yard setback, in lieu of 11 ft., 3 inches, for an open projection (deck), as more particularly described on Petitioners' Exhibit

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Variance from Sections 1B02.3.A and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 1 ft. 6 inch side yard setback in lieu of 11 ft., 3 inches, for an open projection (deck), in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > -2-

Zoning Commissioner for Baltimore County

LES/mmn

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5114 Vandubl RD. Datural, Maryland 21266

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) My nother, whom lives with my wife and D. Has a sures of medical difficulties. She was unable to have excess to the sitterde, because of the parch being small and unstable. From with the neur dute she not only has Meior to the retaids, but the only place that she can injuy the valuable, without difficulty.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

reposting and advertising fee and may be required to provide additional information.

Diana Jean Hensler AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

EDWARD K HENGLER + DIANA J HENGLER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts bereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 10001,1994

BEING KNOWN AND DESIGNATED as Lot No. 35, Block A as id out and shown on a Plat entitled Plat II, Section I, Resubdivision of Lot 22, Block A, Section I, Holland Hill, which plat is recorded among the Plat Records of Baltimore County in Liber RRG 29, folio 15. The improvements thereon being known as No. 5714 Van Dyke Road.

Being the same lot of ground which by deed of assignment dated June 7, 1972 and recorded among the Land Records of Baltimore County in Liber OTG 5277 folio 227 was granted and assigned by Thomas P. Cochran and wife unto Patrick J. Crowley and Carolyn A. Crowley, his wife.

AGRIGULTURAL TRANSFER TAX NOT APPLICABLE

STATE DEPARTMENT OF ASSESSMENTS & TAXATION

CERTIFICATE OF POSTING

Potitioner: FSWOYS & Divne Honsler

Location of property: 5w/s Von Dyke Rd (5714), 275 NW/Whithy Rd Location of Stepes Taring ned way, on for for by of Petitioner. Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 2, 1992

Mr. and Mrs. Edward K. Hensler 5714 Van Dyke Road Baltimore, Maryland 21206

> RE: Petition for Residential Zoning Variance Case No. 93-71-A

Dear Mr. and Mrs. Hensler:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

encl.

LES:mmn

Attorney for Petitioner Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Attorney's telephone number DROERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject metter of this petition be posted on the property on or before the _____ day of ZONING COMMISSIONER OF BALTIMONE COUNTY A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 18____, that the subject

n be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Beltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Beltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at ____ p¹clock,

ZONING COMMISSIONER OF BALTIMERE COUNTY

PETITION FOR RESIDENTIAL VARIANCE

The undersigned, legal owner(s) of the property situate in Beltimore County and which is described in

the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) My Mather, whom lives with my wife & Q.

outside, but the only place that she can injuy the outside, without

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

this Petition.

I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of

Has a series of Medical difficulties. She was unster to have excess to the outside, because of the parch being small and unstable. Now with the new deep, she not only has excess to the

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

To permit a 1 foot, 6 inch side yard setback in lieu of 11 feet, 3 inches

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

for an open projection (deck)

Contract Purchager:

City/State/21p Code

_____1B02.3.A. (214.1.b., R.G. Zone, 1963) and 301.1

MTK-8/24/4C est post - 9/13/42

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

in many was standard

receipt

Account: R-001-6150

No. 107843

H9300082

FRICE

\$50,00

\$35.00

TOTAL: \$85.00

Please Make Checks Payable To: Baltimore County

September 19, 1992

(410) 887-3353

Mr. & Mrs. Edward K. Hensler 5714 Vandyke Road Baltimore, MD 21206

> RE: Item No. 82, Case No. 93-71-A Petitioner: Edward K. Hensler, et ux Petition for Residential Variance

Dear Mr. & Mrs. Hensler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Being also the same lot of ground which by deed of assignment dated February 14, 1978 and recorded among the Land Records of Baltimore County in Liber EKHJR 5857 folio 301 was granted and assigned by Patrick J. Crowley and wife unto the within grantors.

B 013****79350^a 8212A

Date of return: 9/11/92

MISCELLANEOUS CASH RECEIPT

Cashier Validatio

Baltimore County

County Office Building

111 West Chesapeake Avenue Towson, Maryland 21204

PUBLIC HEARING FEES

Zoning Commissioner

paid per hand written receipt dated 8/24/92

010 -ZONING VARIANCE (IRL)

LAST MAME OF OWNER: HENSLER

080 -POSTING SIGNS / ADVERTISING (X

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

H11 West Chesapeake Avenue Towson, MD 21204

Printed on Recycled Paper

(410) 887-3353

Your petition has been received and accepted for filing this 24th day of August, 1992

Received By:

Zoning Plans Advisory Committee

Petitioner: Edward K. Hensler, et al Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 11, 1992 Zoning Administration and Development Management FROM Robert W. Bowling, P.E., Chief Developers Engineering Division RE: Zoning Advisory Committee Meeting

for September 14, 1992

Item No. 82

The Developers Engineering Division has reviewed the subject coming item. This variance request should be denied to preclude construction of the deck within a County drainage and utility pasement.

RWB: DAK: 3

	Baltimore County Government Fire Department	•	4/10/42	7939-92 Ju	
700 East Joppa Road Suite 901 Towson, MD 21204-5500			(410)	887-4500	

SEPTEMBER 9, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: EDWARD KENNETH HENSLER AND DIANA JEAN HENSLER

#5714 VAN DYKE ROAD Location:

Item No. * 82 (MJK) Zoning Agenda: SEPTEMBER 8, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: act ferre fluge
Planning Group Special Inspection Division

JP/KEK

Development Review Authorized signatur	1.7	Je ten P. Lu	Date 9/14
Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
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DPW/Traffic Engineering Development Review Committee Response	e Form		09/14/92
nathorized signature			Date
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COUNT 1			
Golden Ring Mall Company Limite		ership	
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Edward K. and Diana J. Hensler	======	========	=======================================
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Meeting Date John Dietsch _9/8/92 DED DEPRM RP STP TE Hanny Hollow Associates Happy Hollow Associates DED DEPRM STP RP TE moure Stephen M. and Diane A. Dansicker DED DEPRM RP STP TE Fdward L and Francisco M History Edward L. and Francine M. Wickman DED DEPRM RP STP TE Charles W. Berg And Willie D. Graves DED DEPRM RP STP TE Daniel W. and Evalue 7. 5-1 Daniel W. and Evelyn J. Eckert DED DEPRM RP STP TE √ Leonard Stoler DED DEPRM RP STP TE Edward and Ceola Wright DED DEPRM RP STP TE Edward K. and Diana J. Hensler DED DEPRM RP STP TE Marvin and Hild Zentner and Amir Aviram DED DEPRM RP STP TE m pools COUNT 11 FINAL TOTALS COUNT 32 *** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and

Development Management

93-71-A 9-28

DATE: September 15, 1992

FROM: Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

September 14, 1992

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petitions:

Barry and Wilma Alderson, Item No. Work 22 493 Edwin and Delores Thomas, Item No. Work 23 Stanley and Kathy Schall, Item No. Work 24 4 95
Edward and Diana Hensler, Item No. 82

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMcD/FM/:rdn

Baltimore County Government
Office of Law

82

887-4420 Fax 296-0931

April 19, 1991

93.71. A

RE: Agreement

Enclosed herewith please find your copy of the "Agreement" approved by Baltimore County.

This represents satisfaction of half of the problem. In order to satisfy the other half, you must petition the Zoning Commissioner for a zoning variance. I point out that you have 60 days from the date of this Agreement to do so.

Sincerely,

Chief Deputy County Attorney

AJ/srl

Enclosure

400 Washington Avenue Towson, MD 21204

Mr. Edward K. Hensler

Baltimore, Maryland 21206

5714 Van Dyke Road

Dear Mr. Hensler:

93.71-A

This agreement made this 12 day of March, 1991, by and between

hereinafter called HENSLER, of 5714 Van Dyke Road, Baltimore, Maryland

21206, and BALTIMORE COUNTY, MARYLAND, a body corporate and politic,

WHEREAS, HENSLER has constructed a deck on the side of his

WHEREAS, said deck was constructed over a County drainage and

WHEREAS, the parties desire to enter into this Agreement in order

1. HENSLER agrees to remove the deck when requested to do so

to provide indemnity to the County for any liability that may accrue as

a result of the deck's existence in said Easement and to reserve unto

the County the right at all times to exercise full municipal control

by the County, when it becomes necessary to perform work within the

County Easement. The determination to perform said work shall rest

entirely within the discretion of the Director of Public Works of the

utility easement for storm drain pipe (hereinafter called "Easement")

property known as 5714 Van Dyke Road in Baltimore County; and

without the permission or consent of the County; and

and regulation in respect to the County Easement.

NOW, THEREFORE, the parties agree as follows:

EDWARD KENNETH HENSLER and DIANA JEAN HENSLER, husband and wife,

hereinafter called COUNTY.

County.

Approved for form and legal

sufficiency

111 West Chesapeake Avenue Towson, MD 21204



(410) 887-3353

Edward and Diana Hensler 5714 Van Dyke Roed Beltimore, Haryland 21206

Re: CASE NUMBER: 93-71-A LOCATION: SW/S Van Dyke Road, 275' NW of c/l Whitby Road 5714 Van Dyke Roed 14th Election District - 6th Councilmenic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

your petition has been granted, denied, or will go to public bearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the bearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

1) Your property will be posted on or before September 13, 1992. The closing date is September 28, 1992. The closing date is the deadline for a neighbor to file a formal request for a public nearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

Printed on Recycled Paper

2. HENSLER agrees to hold the County harmless and hereby releases the County from any claim for property damage in the event the County is required to remove the deck from the County Easement.

3. HENSLER agrees to indemnify the County for any liability that may accrue as a result of the decks physical existence within the Easement, including compensatory or punitive damages, court costs, and attorneys' fees.

4. HENSLER agrees, within 60 days from the date of this Agreement, to apply for a variance to the zoning set back requirements from the Zoning Commissioner and to abide by any final order in that

5. COUNTY agrees to allow the deck to remain in the County Easement on condition that HENSLER comply with all of the requirements of this agreement.

6. COUNTY reserves the right at all times to exercise full municipal control and regulation in respect to all matters connected with the County Easement.

AS WITNESS the signature of the HENSLERS and the signature of the County Administrative Officer the day and date first written above.

BALTIMORE COUNTY, MARYLAND

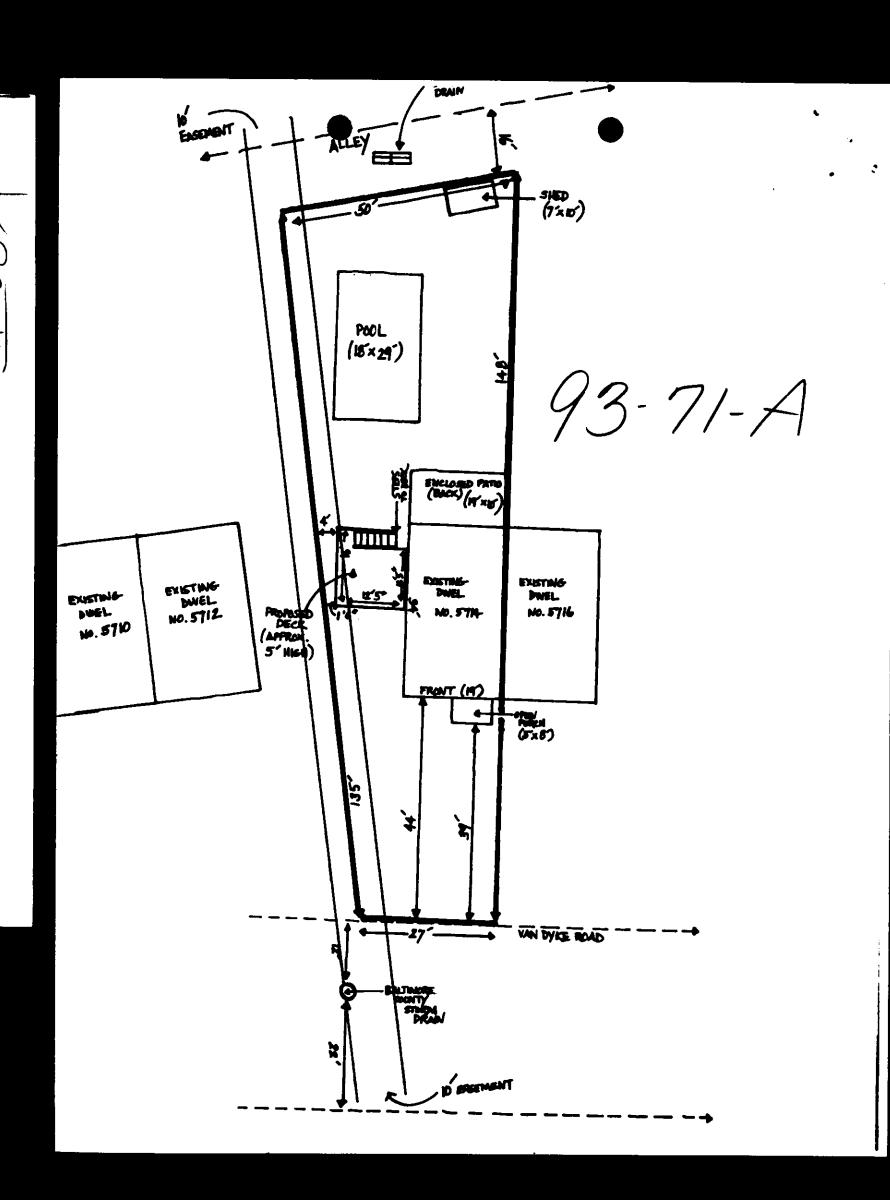
Administrative Officer

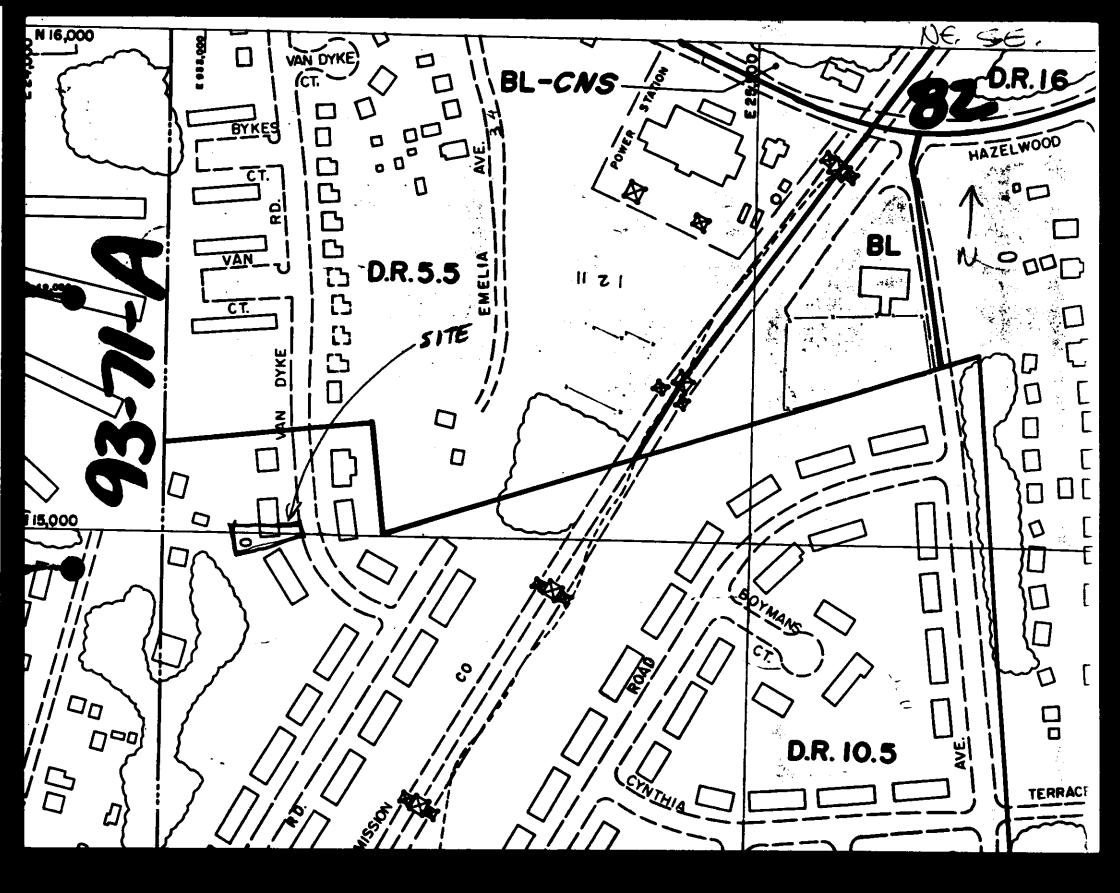
Witness:

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 57/4 VAN DYKE ROAL Subdivision name: HALAMO HUS
plat book# 29 ,1010# 15 ,1010# 15 ,section# 1 OWNER: <u>EDWARD AND DIAMA HOUSLER</u> LOCATION INFORMATION Zeming: D.R.-5.5

Let size: 0.13 5447.15

acreage square feet North
date: 7-18-91
prepared by: M/H DIAGRAM (WHICH IS CORRECTLY SCALED -- 1"-20") Scale of Drawing: 1'= 🔀 4 0 m4x 82





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93-71-4



93-71-A

